

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

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U.S. DISTRICT COURT
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IN RE NORPLANT CONTRACEPTIVE
PRODUCTS LIABILITY LITIGATION

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§
§

MDL No. 1038
ALL CASES

TX EASTERN-BEAUMONT

BY

Beverly A. [Signature]

**AGREED ORDER SETTING BRIEFING SCHEDULE
FOR NON-SETTLING PLAINTIFFS**

Pending before the court are the following four motions filed by Defendants American Home Products Corporation and Wyeth-Ayerst Laboratories, Inc., on May 25, 1999: Motion for Partial Summary Judgment Re The Learned Intermediary Doctrine; Motion for Partial Summary Judgment Re Adequacy of Norplant Labeling; Motion for Partial Summary Judgment Re Conditions for Which There is No Evidence of Causation; and Motion for Partial Summary Judgment Re Statute of Limitations. In an Order dated September 23, 1999, the court established a schedule for non-settling plaintiffs to file responses to these motions. The court has since been advised that counsel for Defendants and members of the Plaintiffs' Steering Committee have conferred and agreed that, given that the identity of all non-settling plaintiffs will not be known until March 31, 2000, due to the time permitted under the settlement agreement for plaintiffs to consider and respond to Defendants' settlement offer, the deadlines for filing response and reply briefing should be extended.

Accordingly, pursuant to the agreement of counsel for both sides, it is hereby ORDERED that the briefing schedule set in the September 23, 1999, Order is vacated. To the extent that any non-settling plaintiff wishes to file a response in opposition to any of the above-noted motions for partial summary judgment, it is hereby ORDERED that such responses be filed no later than May 15, 2000. Defendants' reply briefs, if any, shall be filed no later than May 31, 2000.

Copies of Defendants' four motions for partial summary judgment and their accompanying memoranda may be obtained from counsel for Defendants, Lane Heard, the District Clerk's Office,

or from "www.txed.uscourts.gov," the web site of the Eastern District of Texas (motion exhibits not available on web site).

SIGNED this the 18th day of November, 1999.

A handwritten signature in cursive script, reading "Richard A. Schell". The signature is written in dark ink and is positioned above a horizontal line.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE